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APPENDIX III.

[Vide answer to question No. 1105-A asked by Mr. C. Gopala Menon at the meeting of the Legislative Council held on the 29th January 1929, page 194 supra.]

G.O. Mis. No. 2948, Revenue, dated 18th December 1928.

From the Honorary Joint Secretary, Prohibition League, Malabar, dated 15th October 1928.

I have the honour to submit herewith a memorandum of the Prohibition League, Calicut, on some points relating to the Excise Administration of Government and request you to be so good as to give it your best consideration.

The Prohibition League, Calicut, begs to submit the following memorandum on some of the points relating to Excise Administration and requests the Government to give it their favourable consideration.

Excise Licensing Boards.—The League is aware that the Excise Licensing Boards have been reconstituted as a result of the recommendations of the Excise Committee. By a notification in the *Fort St. George Gazette*, dated 21st July 1927, the Excise Licensing Boards for certain mufassal municipalities have been constituted and for the Calicut Municipality also having a population over 50,000 there is a Licensing Board. As mentioned in the notification above stated the Licensing Board is comprised of 10 members distributed as follows :—

(*a*) Three official members.
(*b*) Two representatives of the Municipal Council.
(*c*) One member of Legislative Council.
(*d*) One temperance representative.
(*e*) One representative of labour.
(*f*) One representative of licensees.
(*g*) One employer of labour.

It may be noted that in regard to the Calicut Licensing Board—it is probable that is the case elsewhere also—(*c*), (*e*) and (*g*) have been nominated by the Collector. These three together with the three officials and the representative of the licensees constitute a decided majority being seven against three who are expected to represent the interests of the temperance cause, and any proposal for the reduction in the number of shops or change of place cannot generally find acceptance unless the officials favour such proposals. The proceedings of the Calicut Licensing Board are an instance in point. The Chairman elected will be invariably an official as the nominated members who owe their position to the Collector will generally favour his election. That has been the case in regard to Calicut. Even if the member of the Legislative Council and the representative of labouring classes join the three elected members, on all questions there will be usually equal number of votes and the casting vote of the Collector who is here the Chairman of the Board will decide the issues. Moreover in the case of Calicut, the member of Legislative Council who resides in Tellicherry is the member of the Calicut Licensing Board. The League trusts that the object of the Government in creating these Licensing Boards is to ascertain through their members public opinion on the location and number of drink shops. Only those that are residents in the municipal area can be expected to know and

represent real public opinion. Much less can a nominated member of the Legislative Council be expected to know the wishes of the public of Calicut with whom he did not come into contact, even at the time of elections to the Legislative Council. Therefore the League submits that the following modifications are necessary in the composition of the Licensing Board if it is to serve at all the purpose for which it has been constituted:—

(a) The Chairman of the Board shall be a non-official elected by the Board.

(b) A member of the Legislative Council residing in the area of the municipality to be nominated and if no such member is available the existing Temperance Organizations may be asked to elect one more representative. In the absence of Temperance Organizations the Collector shall nominate from among active social workers.

(c) The representative of labour of the depressed classes shall be nominated from among the actual working classes.

(d) The representative of employers of labour shall be elected by the employers of labour owning factories that come under the Factories Act.

As regards our recommendations (e) and (d) the League begs to represent that the method of representation unless arranged as suggested is doing more harm than good. The labour or depressed classes are represented by a member who is not an actual worker. In the case of Calicut the representative of labour classes happens to be a member of the League. But what we are concerned with is not with persons but the principle on which nominations should be based. An employer of labour has been nominated. The system of nomination should be followed only in areas where the employers of labour are few. But in a place like Calicut where there are so many employers of labour, both Indian and European, we do not understand at all why the representative of the employers of labour should not be elected.

By rule 15 of the notification already referred to, the Board shall not during its term of office reduce the number of shops existing on the date when it came into office by more than one-fifth of each kind of shop and it shall not be competent to any succeeding Board to reduce the number to a lower figure than one-third of the number existing when such Boards were first constituted. The League is of opinion that this rule curtails the liberty of the Board in making progressive reduction in the number of shops. Taking the case of Calicut, there are nine arrack shops in the town. The utmost the present Licensing Board can do under the rule above quoted is to reduce one shop; but in no case can this Board and the succeeding Licensing Boards order closure of more than six shops. So virtually it will take eighteen years to close six shops as not more than one shop can be closed during the term of office of a Board and no further reduction can take place after eighteen years unless the Government are pleased to alter the rules. Moreover as rules stand at present, it is not clear whether the restrictions regarding reduction in the number of shops are equally applicable in the case of proposal to increase the number of shops. While the Licensing Board may reduce the number of shops, the Government or the representative of the licensees may increase the number of shops every year rendering the decisions of the Board ineffective. At any rate the struggle for reduction will become keener and the feeling of opposition which must necessarily evoke will not be helpful in creating the spirit of co-operation necessary for

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the promotion of the cause of temperance. The League is of opinion that there is no necessity for the rule quoted above as the Board's decisions are not final and are at present subject to the control of the Commissioner of Excise. This rule is not intelligible even if the powers of the Board in regard to reduction in the number of shops is absolute and final. After all the decisions of the Board have been rendered advisory by rule 17 of the notification. It is the opinion of the League that the decisions of the Board in regard to reduction in the number of shops should be final subject to the control of Government and not of the Commissioner of Excise. That will accord with the principle of responsibility of the Minister in charge of the subject who is subject to the vote of the Legislative Council. The Commissioner of Excise will even then have the right to appeal to Government against the decisions of the Board. The League would also represent that there should be Excise Licensing Boards for all municipal areas instead of constituting them only for areas with a population 50,000 or more. It is not understood why the smaller municipalities should be treated in a different manner. The problems facing them are the same. The League ventures to express the opinion that it is an unnecessary and needless distinction.

The Excise Advisory Committees.—These committees have been constituted for revenue divisional areas including smaller municipalities with less than 50,000 population. As already suggested in the previous paragraph, the smaller municipalities may receive Excise Licensing Boards and these committees may deal only with the problem of rural drink shops.

The Advisory Committee is constituted on lines similar to those of the Excise Licensing Board with this difference that there is no representation for employers of labour and a member of Legislative Council is not nominated to it. Unless there are more than one municipality and taluk board represented on the committee, the defects noticed in regard to the Excise Licensing Board will operate in the case of the Advisory Committees also. As the name itself indicates the powers of the committees are merely advisory, and its decisions are subject to the approval of the Collector. The final authority is the Commissioner of Excise. The League cannot understand at all why this distinction should exist between the Licensing Boards and the Advisory Committees and their powers should be seemingly different while in effect they are the same. The League begs to suggest that Licensing Boards may be constituted for the revenue divisional areas as well and the powers at present enjoyed and proposed to be given by the League may be given to these Advisory Committees also. The decisions of the Committee may be subject to the veto of the Government only.

After carefully reading the notifications relating to the Excise Licensing Boards and the Excise Advisory Committees, and studying their political working the League feels constrained to come to the conclusion that the Government have not shown sufficient confidence in the representatives of the people on these bodies. Trust begets trust and exercise of real power only can create a sense of responsibility. It appears as though the Government are afraid that if full powers are granted that the drink shops will *all* be closed in a day. Such a fear breeds suspicion on both sides and the amount of co-operation necessary to solve the drink problem can never be got. The problem will have to remain unsolved till there is a change of heart. The Government have been pleased to grant so many powers to the local bodies. It cannot be gain-said that on the whole the local bodies have felt sense of

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responsibility in exercising their powers. Temperance work is social work and those working for the temperance cause are social workers who are really conversant with the facts of the situation and can be trusted to exercise their judgment discreetly. The League requests the Government to modify the rules governing the constitution and functions of the Licensing Boards and the Advisory Committees in the directions indicated in this memorandum.

Order—Mis. No. 2948, *Revenue, dated* 18*th December* 1928.

The Honorary Secretary, Prohibition League, Malabar, is informed that the Excise Licensing Boards and Advisory Committees which have been recently constituted have been working only for a short time and that the suggestions in the memorandum submitted with his letter, dated 15th October 1928, will be considered when some experience has been gained of the working of these bodies.

(By order of the Government, Ministry of Public Health)

H. R. PATE,
Secretary to Government.

To M.R.Ry. R. Suryanarayana Rao, B.A., Secretary, Prohibition League, Malabar.
,, the Commissioner of Excise.

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

APPENDIX IV.

[Vide answer to question No. 1105 asked by Mr. Abdul Hameed Khan at the meeting of the Legislative Council held on the 29th January 1929, page 195 supra.]

(1)

Statement showing the qualifications of Dr. W. Happer, the specialist in venereal diseases for the Madras Presidency.

A.—ACADEMIC QUALIFICATIONS.

(1) Graduated M.B., Ch. B., Edinburgh, July 1925.

(2) M.D. (with venereal diseases as special subject).

(3) M.R.C.P